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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kevin T. Carle

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EXAMINER

TAYLOR, JOSHUA D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,977	<b>Applicant(s)</b> CARLE ET AL.	
	<b>Examiner</b> JOSHUA TAYLOR	<b>Art Unit</b> 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/22/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-15 are rejected under U.S.C. 102(b) as being anticipated by Soloff et al. (Pub. No.: US 2003/0192059).

Regarding claim 1, Soloff et al. disclose

**A method comprising: initializing a client device, wherein the client device has an associated identifier** (paragraph [0036], lines 28-31); **communicating the identifier associated with the client device to a configuration server that contains configuration information associated with the client device** (paragraph [0048], lines 1-7); **receiving the configuration information from the configuration server** (paragraph [0011], lines 11-13); **applying the configuration information to the client device** (paragraph [0015], Lines 5-9); **and receiving video data from the configuration server** (paragraph [0012], lines 2-9. It is inherent that a television channel contains video.).

Regarding claim 2, Soloff et al. disclose

**A method as recited in claim 1 further comprising communicating the received video data to a display device** (paragraph [0012], Lines 2-9).

Regarding claim 3, Soloff et al. disclose

**A method as recited in claim 1 wherein the received data includes audio data** (paragraph [0012], lines 2-9. It is inherent that a television channel contains audio.).

Regarding claim 4, Soloff et al. disclose

**A method as recited in claim 1 further comprising: receiving a request to perform a task from a user of the client device; requesting additional configuration information associated with the task from the configuration server; receiving the additional configuration information from the configuration server; and applying the additional configuration information to the client device** (paragraph [0011], lines 11-13) .

Regarding claim 5, Soloff et al. disclose

**A method as recited in claim 1 wherein the identifier is a unique identifier** (paragraph [0036], lines 28-31).

Regarding claim 6, Soloff et al. disclose

**A method as recited in claim 1 wherein the client device is a set top box** (paragraph [0012], Lines 7-9).

Regarding claim 7, Soloff et al. disclose

Art Unit: 2626

**A method as recited in claim 1 wherein the client device is a display device** (paragraph [0012], Lines 2-9).

Regarding claim 10, Soloff et al. disclose

**A method as recited in claim 1 further comprising discarding the configuration information after applying the configuration information to the client device** (paragraph [0020], Lines 13-22. Soloff discloses use of a time stamp so that multiple users will have the most recently updated information, which inherently means that other information has been discarded).

Regarding claim 11, Soloff et al. disclose

**A method as recited in claim 1 further comprising: receiving changes to the configuration information; applying the received changes to the client device; and communicating the received changes to the configuration server** (paragraph [0017], lines 10-12).

Regarding claim 12, Soloff et al. disclose

**A method as recited in claim 1 further comprising applying the configuration information to a second client device** (paragraph [0013], Lines 3-5).

Regarding claim 13, Soloff et al. disclose

Art Unit: 2626

**A method as recited in claim 1 further comprising: accessing the configuration server that contains configuration information associated with the client device; and changing the configuration information associated with the client device** (paragraph [0017], Lines 10-12).

Regarding claim 14, Soloff et al. disclose

**A method as recited in claim 13 wherein the changes to the configuration information are applied to the client device during subsequent initializations of the client device** (paragraph [0011], Lines 8-12).

Regarding claim 15, Soloff et al. disclose

**One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1.** This claim is rejected on the same grounds as claim 1, as the method of claim 1 would inherently be executed by a processor, and thus would need to be stored on computer-readable memories.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Soloff et al. (Pub. No.: US 2003/0195029) in view of Byers (Pub. No.: US 2003/0161395).

Regarding claim 8; **A method as recited in claim 1 wherein the configuration information includes parental control settings to be implemented by the client device.** Soloff et al. do not disclose wherein the configuration information includes parental control settings to be implemented by the client device. However, Byers et al. disclose the use of parental controls in the area of video systems (paragraph [0008], lines 6-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide parental controls as part of the configuration information. Parental control settings would have been a highly desirable feature in the area of video systems, as it would allow customers to restrict certain users from viewing certain content.

Regarding claim 9; **A method as recited in claim 1 wherein the configuration information includes a last channel tuned by the client device.** Soloff et al. do not disclose wherein the configuration information includes a last channel tuned by the client device. However, Byers et al. disclose has information containing last channel used in the area of video systems (paragraph [0070]-[0072]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a last channel viewed as part of the configuration information. Last channel viewed would have been a highly desirable feature in the area of video systems, as it would allow customers to more easily keep track of the different channels they are watching.

Claims 16-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Soloff et al. (Pub. No.: US 2003/0195029) in view of Watson et al. (Pub. No.: US 2005/0076394).

Regarding claim 16; **A method comprising: receiving an identifier from a client device** (Soloff, paragraph [0048], lines 1-7); **receiving a request for configuration information from the client device** (Soloff, paragraph [0021], lines 6-10); **identifying the requested configuration information associated with the client device based on the received identifier** (Soloff, paragraph [0042], lines 1-9); **communicating the requested configuration information to the client device** (Watson, paragraph [0036], lines 3-7, Fig. 1); **and communicating video data to the client device for display on a display device** (paragraph [0012], lines 2-9. It is inherent that a television channel contains video.). Soloff et al. do not explicitly disclose sending the configuration information back to the client, but rather disclose that client can access the data at the remote site. However, Watson et al. explicitly disclose the transfer of data between the remote storage site and the user location. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to send the information to the user location if necessary. Sending the information would have been a highly desirable feature in the area of remote memory storage, as the purpose of having offsite storage is so local information can be accessed without the need for expensive local memory.



Art Unit: 2626

Regarding claim 17; **A method as recited in claim 16 further comprising: receiving a request for configuration information associated with the client device from another server; and communicating the requested configuration information to the other server.**

This claim is rejected on the same grounds as claim 16, as claim 16 does not specify which server the client device is associated with, therefore specifying another server does nothing to narrow the claim.

Regarding claim 18; **A method as recited in claim 16 further comprising receiving modified configuration information from the client device** (Soloff, paragraph [0014], lines 3-9). This claim is rejected under the same reasons as claim 16. The only difference between this claim and claim 16 is that modified configuration information is received from the client device. Soloff discloses that the information will be modified by the user, and so it would have been obvious to a person of ordinary skill in the art at the time of the invention that the configuration information being received could have been modified.

Regarding claim 19; **A method as recited in claim 18 further comprising storing the modified configuration information** (Soloff, paragraph [0014], lines 3-9). This claim is rejected under the same reasons as claim 18. The only difference between this claim and claim 18 is that modified configuration information is stored. Soloff discloses that the information will be stored, and so it would have been obvious to a person of ordinary skill in the art at the time of the invention that the configuration information being received could be stored,

Art Unit: 2626

especially as the title of Soloff's invention is "System and method for persistent storage of common user information for interactive television using a centrally located repository."

Regarding claim 20; **A method as recited in claim 18 further comprising communicating the modified configuration information to the client device during subsequent requests for configuration information from the client device** (Watson, paragraph [0036], lines 3-7, Fig. 1). This claim is rejected under the same reasons as claim 16.

Regarding claim 21; **One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 16.** This claim is rejected on the same grounds as claim 16, as the method of claim 16 would inherently be executed by a processor, and thus would need to be stored on computer-readable memories.

Regarding claim 22; **One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to: receive a request to perform a task from a user; determine configuration information needed to perform the requested task; request the needed configuration information from a configuration server; receive the needed configuration information from the configuration server; apply the needed configuration information; receive video data from the configuration server; and communicate the received video data to a display device.** This claim is rejected on the same grounds as claim 16, as it performs the method of

Art Unit: 2626

claim 16, and the method of claim 16 would inherently be executed by a processor, and thus would need to be stored on computer-readable media.

Regarding claim 23; **One or more computer-readable media as recited in claim 22 wherein the one or more processors further discard the needed configuration information after applying the needed configuration information** (Soloff, paragraph [0020], Lines 13-22).

Soloff discloses use of a time stamp so that multiple users will have the most recently updated information, which inherently means that other information has been discarded. Therefore, this claim is rejected on the same grounds as claim 22, as Soloff also discloses the concept of discarding information.

Regarding claim 24; **One or more computer-readable media as recited in claim 22 wherein the needed information is applied to a plurality of client devices** (Soloff, paragraph [0013], Lines 3-5). This claim is rejected under the same reasons as claim 22. The only difference between this claim and claim 22 is that this claim adds “wherein the needed information is applied to a plurality of client devices.” Soloff discloses the use of more than one client device. It would have been obvious to a person of ordinary skill in the art at the time of the invention to allow for more than one user device to be used, as this would be highly desirable in that it would allow for a more diverse user population, i.e. those with multiple devices.

Art Unit: 2626

Regarding claim 25; **One or more computer-readable media as recited in claim 22 wherein the one or more processors further request the same configuration information in response to a subsequent request to perform the same task.** This claim is rejected under the same reasons as claim 22, as all this claim does is to repeat the method of claim 22.

Regarding claim 26; **An apparatus comprising: a storage device containing an identifier associated with the apparatus; a communication interface; and a processor coupled to the storage device and the communication interface, wherein the processor is to communicate a request for configuration information and the identifier to a configuration server via the communication interface, wherein the processor is further to receive configuration information from a configuration server via the communication interface, and wherein the processor is to receive broadcast video data via the communication interface.** This claim is rejected on the same grounds as claim 16, as it is an apparatus that performs the method of claim 16.

Regarding claim 27; **An apparatus as recited in claim 26 wherein the processor is further to process the received video data for display on a display device** (Soloff, paragraph [0012], lines 2-9. It is inherent that a television channel contains video.). This claim adds to claim 26 “wherein the processor is further to process the received video data for display on a display device.” Soloff discloses that these devices would be used to display television channels, i.e. video, and thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to allow for the processor to receive video data for display, as this would be

Art Unit: 2626

highly desirable in that it would allow for the device to perform the multiple tasks it was intended to perform.

Regarding claim 28; **An apparatus as recited in claim 26 further comprising an audio/video output coupled to the processor and configured to communicate the received video data to a display device coupled to the audio/video output.** (Soloff, paragraph [0012], lines 2-9. It is inherent that a television channel contains audio and video.). This claim is rejected on the same grounds as claim 27, as audio is also inherent in a television channel broadcast.

Regarding claim 29; **An apparatus as recited in claim 26 further comprising a tuner to tune at least one channel associated with the broadcast video data.** (Soloff, paragraph [0012], lines 2-9). This claim is rejected on the same grounds as claim 27, as the device disclosed by Soloff has the capability to display broadcast video data, as shown in the rejection of the two previous claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755.

The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

/ABUL K. AZAD/

Primary Examiner, Art Unit 2626